

Minutes Tempe Police Public Safety Personnel Retirement System Board August 6, 2015

Minutes of the Tempe Police Public Safety Personnel Retirement System Board meeting, held on Thursday, August 6, 2015, 2:00 p.m., Tempe City Hall, third floor conference room, 31 E. 5th Street, Tempe, Arizona.

Board Members Present:

Mark W. Mitchell, Mayor
Kelly McMenemy
Jeff Millen

Board Members Absent:

Joe Brosius
Dr. Russell Schoeneman

City Staff Present:

Renie Broderick, Internal Services Director
Chris Hansen, Risk Manager
Wendy Messina, HR Program Coordinator
Susan Buck, Executive Assistant

Legal Counsel Present:

Cynthia Kelley

Chair Mitchell called the meeting to order at 2:09 p.m.

ITEM I - Consideration of Meeting Minutes

Motion by Kelly McMenemy to approve the Police PSPRS Board Meeting Minutes of June 4, 2015 and the Police PSPRS Executive Session Minutes of June 4, 2015; second by Jeff Millen. Motion passed unanimously on a voice vote 3-0.

ITEM II - Public Appearances

There were no public appearances.

ITEM III - Motion to Adjourn to Executive Session, if necessary

No Executive Session was held.

ITEM IV – New Members

Motion by Kelly McMenemy to accept the New Member application of **Jose M. Villalobos, Jr.**; and to accept the New Member applications of **Nicholas C. Galluzzo, Olnick M.J. Hultstrand, Juan A. Robles, Edgar Santana, Adam R. Shipley, Eric A. Tatgenhorst** and **Daniel G. Thomas** with pre-existing conditions as noted; second by Jeff Millen. Motion passed unanimously on a voice vote 3-0.

ITEM V – Prior Service

The Board acknowledged the following prior service purchases:

- **Michael Bloomer**, 10.0960 years (Casa Grande Police Department)
- **Andrew Rodriguez**, 1.844 years (military)

ITEM VI – Application to Enter Into Deferred Retirement Option Plan (DROP) Program:

Motion by Jeff Millen to approve the application of **Jonathan R. King** to enter into the Deferred Retirement Option Plan (DROP) Program; second by Kelly McMenemy. Motion passed unanimously on a voice vote 3-0.

ITEM VII – Status Update on Pending Disability Applications

Jeff Millen provided an update on the pending Application for Disability Benefits for **Steven J. Anderson**. Mr. Anderson underwent surgery in July and his Independent Medical Exam (IME) has been delayed pending his recovery from that surgery.

Local Board Secretary Renie Broderick provided an update on the previously denied Application for Disability Benefits of **Carlos A. Benavidez**. Mr. Benavidez was in the DROP program and has submitted an application to retire under DROP; he also submitted a letter along with that application indicating that he may apply for medical retirement in future. Mr. Benavidez had knee replacement surgery in the past week. Cynthia Kelly, Board Legal Counsel, noted that Mr. Benavidez already had a hearing and was denied; there is only so much time to have a re-hearing after a denial and it is not clear if, after 60 days, the original denial is final. Wendy Messina indicated that she checked with the State Administrator's office and even though the application for disability benefits was denied, since Mr. Benavidez is in the DROP and his 5 years are up, he has to retire. The State indicated that if Mr. Benavidez feels that he had to leave employment based on the DROP, as long as he documents with his retirement application stating that he is leaving because of his medical disability he is entitled to a year to apply for disability benefits. Ms. Kelly stated that the key issue is why is he not in the work place – is it because of DROP or because of disability.

Renie Broderick provided an update the Appeal of Denial of Disability Benefits for **Andrew P. Rodriguez**. Mr. Rodriguez decided to withdraw his application and apply for an immediate normal retirement; he also provided a letter of explanation. Cynthia Kelly stated the letter does not actually state that he is withdrawing his application. Wendy Messina stated that technically Mr. Rodriguez did not withdraw his application; he was following the advice of his attorney when he submitted the letter. He has also filed with the Industrial Commission to reopen his worker's compensation claim. Cindy Kelley stated that technically, if he did not withdraw his application, he has 60 days to do the re-hearing or it is final, he cannot come back again. Chris Hansen stated that Mr. Rodriguez has filed a protest of the closure of his worker's compensation claim and a hearing is scheduled for September 29, 2015. Cynthia Kelly asked if the investigation regarding Mr. Rodriguez was ongoing. Renie Broderick stated that we do not know.

ITEM VIII - Retirement Applications

Motion by Jeff Millen to approve the application of **Carlos A. Benavidez** for Normal Retirement from the DROP program with a retirement date of 08/28/15; to approve the application of **John O. Rall, Jr.** for Normal Retirement with a retirement date of 09/10/15; and the application of **Andrew P. Rodriguez** for Normal Retirement with a retirement date of 6/12/15; second by Kelly McMenemy. Motion passed unanimously on a voice vote 3-0.

ITEM IX – State Administrator Response – PSPRS Employment Status (Informational only; no action taken)

Renie Broderick stated that staff distributed to the Board a copy of the letter received from the PSPRS State Administrator's office upholding the Board's decision confirming the PSPRS eligible employment status of **Frances Santos**.

ITEM X – Application for Survivor's Benefit

Jeff Millen asked if staff has verified the death. Wendy Messina stated yes, that she verifies that information and the marriage certificate as part of the application process, previous to submitting the application to the Board. Motion by Jeff Millen to approve the application of **Jeannette M. Larson** for a Survivor's Benefit as the designated beneficiary of **George F. Larson**; second by Kelley McMenemy. Motion passed unanimously on a voice vote 3-0.

ITEM XI – The PSPRS Local Board Newsletter, PSPRS Employer Update Memo and PSPRS Press Release (Informational only.)

There was no discussion.

ITEM XII – Future Meeting Date

September 3, 2015

ITEM XIII – Future Agenda Items

There were no future agenda items.

Adjournment

Motion by Kelly McMenemy to adjourn; second by Jeff Millen. Motion passed unanimously on a voice vote 3-0. The meeting adjourned at 2:22 p.m.



Renie Broderick
Local Board Secretary